IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1814 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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LAXMIBEN JAGDISHLAL - Appellant(s)
Versus
JAGDISH NANDLAL ROHRA - Defendant(s)

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Appearance :
MR HARIN P RAVAL for Appellant(s) : 1,
MR GJ ASRANI for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 24/08/2006

ORAL JUDGMENT

1. By way of this appeal the appellant prays following reliefs:

> (A) This Honourable Court will be pleased to call for the record and proceeding of Civil Misc. Application No. 589 of 1996 from the City Civil Court at Ahmedabad.
>
> (B) This Honourable Court will be at liberty to meet his two children on every-second and fourth Sunday for one hour in the evening or as per the arrangement worked out between the parties amicable.

2. Heard Mr. Raval, learned advocate for the

appellant, in view of the affidavit in reply in paragraph No. 5 reproduced as under:

> "After the aforesaid order the opponent had never taken any steps to visit the minor children till to-day. I would like to place following facts on record, that daughter Jyoti was born on 25-09-1985 and she has completed 21 years on 25-09-2006. She has graduated in commerce in the year 2006 and presently persuing the course of chartered accountant. My son Mayur was born on 25-10-1989 and he has completed 16 complete 17th years on 25-10-2006. He has already passed 11th Standard in the year 2006 and studying in Std. XIIth. Copy of the birth certificate of children are produced herewith.
>
> In view of the conduct of the opponent of not claiming visiting rights on the date of the order require stay of the order of the City Civil court regarding visiting rights. (sic)"

3. In the above view of the matter I am of the view that it is not necessary to continue the visitation rights. The opponent has not availed the opportunity given to him. The impugned order is therefore quashed and set aside. The appeal is allowed to the aforesaid extent with no order as to costs.

(K.S.JHAVERI, J.)

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